



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** February 23, 2007 **REPORT NO:** PC-07-025

**ATTENTION:** Planning Commission, Agenda of March 1, 2007

**SUBJECT:** 4133 FLORIDA TENTATIVE MAP; PROJECT NO. 89306  
PROCESS FOUR

**OWNERS:** D & B Development Co., Inc. (Attachment 8)

**APPLICANT:** John Pizzato, Algert Engineering, Inc.

### SUMMARY

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units to condominiums at 4133 Florida Street, within the Greater North Park Community Plan Area?

### **Staff Recommendation:**

1. **Approve** Tentative Map No. 286547; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Planning Committee voted 6-5-0 to recommend approval of the proposed project on March 21, 2006 with their standard recommendations as detailed in this report. (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on November 28, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on November 21, 2005, and is therefore subject to regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.172-acre project site is located at 4133 Florida Street in the MR-1250B Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with 1, two-story structure containing seven units consisting of one 1-bedroom unit and six 2-bedroom units. Fourteen off-street parking spaces are provided on the site: four spaces are accessed from Florida Street at the front and ten are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were permitted in 1989. At the time the site was constructed it was zoned MR-1250B and would have allowed for 6 units, or 1 unit for every 1,250 square feet of lot area. A Density Bonus Agreement to allow a seventh unit was executed between the original developer and the Housing Commission in September 1989. Current density requirements for this site remain unchanged from those at the time of construction of the existing units. Parking requirements at the time of construction resulted in 14 on-site spaces being required on-site. Current parking regulations for the development on this site in the Transit Area Overlay Zone require 12 spaces. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project conforms with the current maximum density and parking requirements. The project has other previously-conforming rights with respect to development regulations to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

### **Affordable Housing Density Bonus Agreement**

The subject property is a seven-unit complex that has one density bonus unit per a Density Bonus Agreement that was executed between the original developer and the Housing Commission in September 1989. The one density bonus unit is rent and occupancy restricted for low income households for 20 years from the date of original occupancy. The Density Bonus Agreement will expire on September 1, 2009.

The Housing Commission has no objection to the property being converted to condominiums; however, the terms of the Density Bonus Agreement require the one designated density bonus unit (currently Unit No. 5, a 2-bedroom unit) to remain rent restricted for the full 20-year term. Upon termination of the Density Bonus Agreement on September 1, 2009, the restrictions will lapse and the property owner may sell the one bonus unit as a market rate unit.

However, as a condition of the Tentative Map, the Housing Commission has requested that certain language be inserted into the Tentative Map Resolution. This affordable housing condition would require the property owner to incorporate into the project's DRE White Paper Report specific language identifying the Density Bonus Agreement and the remaining term of restrictions on the specific density bonus unit. Condition Nos. 10, 11 and 12 address these issues.

The Housing Commission has confirmed that all seven units are subject to the City's Inclusionary Housing Ordinance and Tenant Relocation benefits, as discussed further within this report.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.172-acre site to convert seven existing dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### **Undergrounding of Existing Utilities**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3X, and the date for undergrounding has been established for the year 2011 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

On March 21, 2006, the Greater North Park Community Planning Group voted 6-5-0 to recommend approval of the project with their standard recommendations (Attachment 7).

1. No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. The first right of refusal to purchase a unit be given to current tenants. *The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
3. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
4. Landscaping shall be brought into conformance with the current Land Development Code regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
5. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *There is no construction*

*proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*

**Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on October 27, 2005 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding inclusionary housing and tenant relocation benefits. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$7,156.25 (5,725 square feet x \$1.25) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

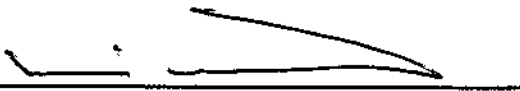
**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of seven residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 286547, with modifications.**
2. **Deny Tentative Map No. 286547, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

  
**Mike Westlake**  
**Program Manager**  
**Development Services Department**

WESTLAKE/MS

  
**Michelle Sokolowski**  
**Development Project Manager**  
**Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan -- Map 3X
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations